

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

HWP Holdings LLC, Harold's Chicken Shack Inc.]

Plaintiffs,]

v.]

Harold's Chicken Coop LLC, Melvin Knight,]
Best Taste Group LLC, Best Taste Venture LLC,]
Eric Payton, Carlton Knight,]

Defendants.]

Case No. 1:21-cv-03110

The Hon. Robert W. Gettleman

**MOTION FOR ENTRY OF INJUNCTIVE ORDER & PLAINTIFFS PROVE-UP OF
DAMAGES**

Plaintiffs states for their Motion and Prove-Up:

Plaintiffs hereby incorporate by reference their attached affidavit, establishing the monthly fee for their license, the number of lapsed months (22 months for Melvin Knight, Harold's Chicken Coop LLC, Eric Payton, and Best Taste Group LLC, or \$27,500, and 9 months for Best Taste Venture LLC and Carlton Knight, or \$11,250), and their attorney fees and legal costs to date (\$2,622 to date). Plaintiffs were not able to obtain information regarding unjust enrichment from profits obtained by Defendants for their false use of the mark in commerce, and therefore seek trebled damages as per 15 U.S.C. § 1117(b). The money judgment is therefore \$83,811.00 jointly and severably against Defendants Melvin Knight, Harold's Chicken Coop LLC, Best Taste Group LLC, and Eric Payton (comprising the monthly fee, trebled, and half of the costs), and \$35,061.00 jointly and severably against Best Taste Venture LLC & Carlton Knight (comprising the monthly fee, trebled, and half of the costs).

In addition to the monetary damages, Plaintiffs seek injunctive relief forbidding the Defendants from further using the Harold's Chicken mark in commerce in any way.

WHEREFORE, Plaintiffs pray that a judgment in the amount of \$83,811.00 be entered jointly and severably against Defendants Melvin Knight, Harold's Chicken Coop LLC, Best Taste Group LLC, and Eric Payton, and a judgment in the amount of \$35,061.00 be entered jointly and severably against Defendants Best Taste Venture LLC & Carlton Knight, and that all Defendants be enjoined and prohibited from using the Harold's Chicken Mark on any signage, marketing materials, menus, internet advertising, or any other use in commerce, and that Defendants be ordered to dispose of, delete, or destroy any such menus or signage currently in use, and for such further relief as may be equitable and just.

Respectfully submitted,

/s/Charles A. Silverman
Charles Aaron Silverman
IL ARDC # 6291982
Counsel for Plaintiff
8800 Bronx Ave #100-F
Skokie, IL 60077
(312) 526-3201
Chsilvlaw@yahoo.com

CERTIFICATE OF SERVICE

The undersigned attorney does hereby state and aver that on the date of 12/6/21 a true and correct copy of this Motion was mailed to the parties listed below, postage pre-paid, from the US Mail dropbox located at 8800 Bronx Ave, Skokie, IL 60077.

/s/Charles A. Silverman

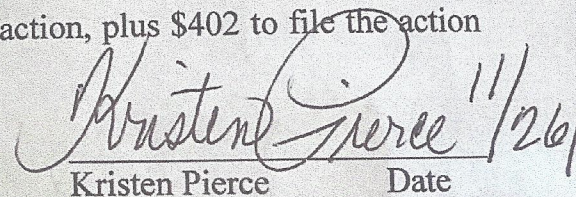
Service List

- Melvin Knight, 1711 E. 87th Street, Chicago, IL 60617
- Harold's Chicken Coop LLC, c/o r/a Melvin Knight, 1711 E. 87th Street, Chicago, IL 60617
- Best Taste Ventures LLC c/o Attorney Keli Knight, Knight Morris & Reddick Law Group, 333 S. Wabash Avenue #2700, Chicago, IL 60604
- Best Taste Group LLC c/o Attorney Keli Knight, Knight Morris & Reddick Law Group, 333 S. Wabash Avenue #2700, Chicago, IL 60604
- Eric Payton c/o Attorney Keli Knight, Knight Morris & Reddick Law Group, 333 S. Wabash Avenue #2700, Chicago, IL 60604
- Carlton Knight c/o Attorney Keli Knight, Knight Morris & Reddick Law Group, 333 S. Wabash Avenue #2700, Chicago, IL 60604

Affidavit in Support of Prove Up of Damages
Northern District of Illinois Court Case # 1:21-cv-03110

I, Kristen Pierce, do hereby state under penalty of perjury as per section 1-109 of the Illinois Code of Civil Procedure that the statements set forth herein are true and correct to the best of my knowledge:

- 1) I am a corporate officer and shareholder for Harold's Chicken Shack Inc., and a member of HWP Holdings LLC, and I have knowledge of the operations of both companies. I am familiar with the Complaint filed in the aforementioned case and do hereby testify that the allegations contained therein are true and correct to the best of my knowledge.
- 2) When we charge an operator for a license to use the Harold's Chicken TM brand, we charge \$1,250.00 a month.
- 3) Melvin Knight has been operating Harold's Chicken Coop LLC at 1711 E. 87th St., Chicago, IL 60617, since 02/20, through the present.
- 4) Best Taste Group LLC is an Illinois corporate entity operating as Harold's Chicken without having permission to use the trademark, at 1723 S. Ashland Ave., in Chicago, IL 60608, since 02/20, through the present. Best Taste Group LLC's manager is Eric Payton.
- 5) Best Taste Venture LLC is an Illinois corporate entity operating as Harold's Chicken without having permission to use the trademark, at 3933 N. Broadway, in Chicago, IL 69613, since 02/21, through the present. Best Taste Venture LLC uses Harold's Chicken Broadway as a d/b/a. One of Best Taste Group LLC's managers is Eric Payton. Best Taste Group LLC's other manager is Carlton Knight.
- 6) I have spent \$2,000.00 to date for legal fees in this action, plus \$402 to file the action and \$220 to serve Melvin Knight and Harold's Chicken Coop.
- 7) Affiant further sayeth naught.


Kristen Pierce Date 11/26/21

STATE OF NEVADA)
)
COUNTY OF CLARK)

The undersigned, a notary public, does hereby state and aver that on the date indicated above, the aforementioned Kristen Pierce signed and attested to this document before me after providing appropriate identification.

NOTARY PUBLIC:

